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Attorneys for Defendant
TRADER JOE'S UNITED

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TRADER JOE'S COMPANY, a California
corporation,

Plaintiff,

vs.

TRADER JOE'S UNITED,

Defendant.

Case No. 2:23-cv-05664-HDV-MAR

**DECLARATION OF SETH L.
GOLDSTEIN ISO DEFENDANT
TRADER JOE'S UNITED'S MOTION
FOR ATTORNEYS' FEES**

Filed Concurrently with MPA and
Declarations of Sonya Z. Mehta and Retu
R. Singla; Proposed Order

Hon. Hernán D. Vera
Date: February 29, 2024
Ctrm: 5B
Time: 10:00 a.m.

Complaint Filed: July 13, 2023
Complaint Dismissed: January 12, 2024

DECLARATION OF ATTORNEY SETH L. GOLDSTEIN

I, SETH L. GOLDSTEIN, declare:

1. This Declaration is submitted in support of Defendants’ Motion for Attorney Fees and Costs from the inception of this case through the date of submission.

2. I am counsel for Trader Joe’s United (“TJU” or “the Union”) in the trademark infringement lawsuit Trader Joe’s Company has filed against the Union.

3. I am a partner at the law firm of Julien, Mirer, Singla & Goldstein PLLC., attorneys for Defendant Trader Joe’s United and as such I am fully familiar with the facts and circumstances of this matter.

4. I have practiced law for 36 years.

5. This Declaration is submitted in support of Defendants’ Motion for Attorney Fees and Costs from the inception of this case through the date of submission.

6. I am a 1986 graduate of Buffalo Law School. Prior to that, I graduated in 1983 from Binghamton University with Distinction in History/Political Science.

7. I am admitted to practice in the United States Court of Appeals for the Second Circuit, the Southern District Court of New York, the Eastern District of New York, and the State Court of New York. I have been an attorney in the state of New York since 1988.

8. After graduating from Law School I worked for the Human Resources Administration for New York City (1988 to 1990), Local 1-2, Utility Workers Union (1991 to 1999), Westchester County Attorney’s Office (1999 to 2000), New York State Nurses Association (2000 to 20001), American Federation of Teachers (2002 to 2005), Service Employees International Union (2005 to 2006), and Office and Professional Employees International Union, Local 153 (2006 to 2022).

9. In December 2022, I became a partner at Julien, Mirer, Singla and Goldstein PLLC (“JMSG”). JMSG represents employees and unions in all aspects of labor and employment law.

1 10. In my career, I have handled over 500 National Labor Relation Board
2 Administrative Trials, Representation Hearings, Unit Clarification hearings, NLRB
3 Appeals, and arbitration hearings, as well as federal and state court litigation.
4 Additionally, I have successfully negotiated more than 300 collective bargaining
5 agreements. My practice emphasizes labor law.

6 11. In both 2015 and 2016, I successfully represented employees in several historic
7 labor cases before the National Labor Relation Board. These cases resulted in significant
8 national settlement agreements and a historic Board decision against major
9 corporations such as Menards (18-CA-165808), WeWork (02-CA-176371), and Alorica
10 (18-CA-190846). These landmark interpreting federal labor law led to employers
11 agreeing to discontinue the practice of forcing employees to sign mandatory arbitration
12 agreements in the labor setting, revising overly broad and unlawful handbook language,
13 and terminating illegal confidentiality agreements.

14 12. In 2019 and 2020, I successfully represented the organizing of the first wall to
15 wall tech union at Kickstarter before the National Labor Relations Board and
16 successfully negotiated a settlement agreement.

17 13. In 2022, I successfully negotiated the first private undergraduate Residential
18 Assistant Collective Bargaining Agreement at Wesleyan University, setting a precedent
19 for the nation.

20 14. In 2021 I became counsel to the Amazon Labor Union (“ALU”) and represented
21 the organizing of the first Amazon warehouse in the country. In April 2022, after the
22 ALU won a union election at the JFK8 facility in Staten Island, New York, I successfully
23 participated in the 24-day hearing with over 50 witnesses and thousands of pages of
24 evidence. Region 28 of the National Labor Relations Board dismissed Amazon’s
25 objections in their entirety and granted certification to the Union as the bargaining
26 representative to the Amazon workers at JFK8. (29-RC-288020)

27 15. From 2022 to present, I serve as General Counsel to Trader Joe’s United
28 (“TJU”).

1 16. In January 2023, I successfully defended the TJU against Trader Joe's Objections
2 to the election, which required a 4-day hearing with several witnesses and hundreds of
3 pages of transcript. (09-RC-309216)

4 17. In 2023, I was outside counsel to the Office of Professional Employees
5 International Union in a 13 day trial with 20 witnesses and thousands of pages of
6 evidence against Code For America. (20-UC-315989).

7 18. I have participated in various speaking engagements, covering cutting edge topics
8 in federal labor law. These engagements have included University of Pennsylvania Law
9 School, Peggy Browning Fund, Harvard Law School, and St John's University Law
10 School.

11 19. I am routinely interviewed as a national expert on federal labor law by the New
12 York Times, Washington Post, Bloomberg, Law360, Guardian, AP, and Reuters.

13 20. In April 2023, I received Distinguished Commitment to Public Service Award
14 from Brooklyn Law School.

15 21. I am currently serving as General Counsel to Local 12, OPEIU, and outside
16 Counsel to Local 1010, OPEIU, and Local 153, OPEIU.

17 **Facts Related to *Trader Joe's v. Trader Joe's United*.**

18 22. I assisted in handling all aspects of prelitigation efforts (responding to
19 prelitigation letters) prior to the Plaintiff filing a Complaint against Trader Joe's
20 United.

21 23. After Plaintiff filed a complaint on July 13, 2023 against Trader Joe's United, I
22 assisted by analyzing and reviewing the complaint, participating in Zoom Conferences
23 with opposing counsel, and drafting correspondence that was sent to plaintiff's
24 counsel.

25 24. On August 14, 2023 I filed my application with the Court to appear Pro Hac Vice
26 on behalf of Trader Joe's United.

1 25. Thereafter I assisted in researching legal issues and drafting Defendant's Motion
2 to Dismiss Plaintiff's Complaint. The Request for Judicial Notice, Notice of Motion and
3 Motion to Dismiss was filed on August 21, 2023.

4 26. Thereafter, counsel for Plaintiff contacted Defendant to request a 26(f)
5 conference and the parties engaged in correspondence regarding whether discovery was
6 required before the Motion to Dismiss was decided upon by this Court.

7 27. On October 4, 2023, Defendant filed a National Labor Relations Board Charge
8 against Trader Joe's for violating Section 8(a)(1) for bringing a retaliatory lawsuit
9 against Trader Joe's United for engaging in protected activity under Section 7 of the
10 National Labor Relations Act.

11 28. On October 19, 2023 Plaintiff served an Opposition to Defendant's Motion to
12 dismiss. Subsequently, I reviewed and analyzed the Opposition Motion, performed legal
13 research, and assisted drafting in drafting Defendant's Reply to the Employer's
14 opposition which was filed on October 26, 2023.

15 29. Thereafter I worked with my partner Retu Singla for several hours on November
16 7 and 8 to prepare for oral argument on the Motion to Dismiss scheduled for November
17 9, 2023.

18 30. On November 11, 2023 I drafted and sent an email to Plaintiff's Counsel to
19 request a meet and confer pursuant to Section 7-3 of the Local Rules of Central
20 California to discuss Defendant's Rule 11 Motion against O'Melveny & Meyers. The
21 parties met by Zoom on November 14, 2023 but the Plaintiff refused to withdraw its
22 Complaint.

23 31. During December 2023 and January 2024, I assisted my partner Retu Singla in
24 preparing Defendant's Rule 11 Motion and 21-day safe harbor letter requesting that
25 Plaintiff withdraw their lawsuit. On January 4, 2024 I served the Rule 11 Motion and 21-
26 day safe harbor letter on plaintiffs.

27 32. On January 13, 2024 the Court issued its Order granting Defendant's Trader
28 Joe's United Motion to Dismiss Plaintiff's Complaint. The Court determined that the

defendant had prevailed on their claims and that the lawsuit "comes dangerously close to Rule 11." Moreover, the Court dismissed Trader Joe's request for an injunction under the Norris-LaGuadia Act. The Court also dismissed the Plaintiff's Lanham Act and state claims finding "under the Sleekcraft factors finding there was no lack of confusion posed by the union's campaign related-products."

33. This case has been publicized since before the Complaint was even served on Defendants and I have further publicized it in order to advance federal labor law and the rights of unionized workers. The true and correct links to this media are:

- <https://www.sfgate.com/food/article/trader-joes-union-trademark-infringement-lawsuit-18205408.php>
- <https://www.reuters.com/legal/litigation/trader-joes-employee-union-asks-dismiss-grocers-trademark-lawsuit-2023-08-22/>
- <https://news.bloomberglaw.com/ip-law/union-seeks-end-of-trader-joes-bid-to-weaponize-trademark-law>

34. JMSG has handled all aspects of this matter from the initial letter that was received from Plaintiff's General Counsel in July 2023 to its conclusion.

35. JMSG attorneys involved in the litigation of this case performed, inter alia, the following tasks:

- a. Discussing the risks and strategies of this case with our client Trader Joe's United;
- b. Discussing our client's claims in many instances with plaintiff's counsel on several occasions;
- c. Researching legal issues in the case, from receiving the Complaint to motions;
- d. Drafting, editing, revising and filing the Motion to Dismiss
- e. Drafting, editing, revising and filing the Reply to Plaintiff's Opposition to Defendant's Motion to Dismiss;
- f. Conferring with firm staff and outside counsel on tactical and strategic decisions.

36. As noted, I provided assistance to Retu Singla in litigating this matter. I have expended in the course of this representation, 43.77 hours as set forth in Exhibit A. (Attorney Time Records).

37. We spent significant time on this case drafting and researching for the Motion to Dismiss and to Reply to the Plaintiff's Opposition to the Defendant's Motion to Dismiss.

38. Given the efforts required for a diligent defense in this matter requiring an understanding of Intellectual Property law, 43.77 hours are reasonable.

39. Based on the Laffey matrix my hourly rate is \$1,057 per hour. In my experience management attorneys nationwide with similar levels of experience charge between \$1,500 to \$2,000 per hour. As I have noted above, I have been litigating hundreds of labor matters over thirty years.

40. Attached as Exhibit 1 to this Declaration is a true and correct copy of my time entries in relation to this matter.

41. The amount requested in attorney fees is reasonable for the reasons stated in the accompanying memorandum of law and those set above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed January 25, 2024, in New York, New York.

Dated: January 25, 2024

/s/ Seth L. Goldstein

By: Seth L. Goldstein

Attorney for Defendant

JULIEN MIRER SINGLA & GOLDSTEIN PLLC

1 Whitehall Street, 16th Floor,

New York, NY 10004

(212) 231-2235

sgoldstein@workingpeopleslaw.com

EXHIBIT 1

Julien Mirer Singla & Goldstein, PLLC

1 Whitehall Street
 16th Floor
 New York, NY 10004
 212-231-2235

January 25, 2024

Trader Joes United

RE: TJU Trademark**Time Details**

Date	Staff Member	Description	Hours	Rate	Amount
06-27-2023	Seth Goldstein	Reviewed Kathryn Cahan email sent to Jamie Edwards regarding Trademark infringement	0.25	1,057.00	264.25
06-27-2023	Retu Singla	Reviewed Kathryn Cahan email sent to Jamie Edwards regarding Trademark infringement and researched similar cases and found Medieval Times	0.50	1,057.00	528.50
06-28-2023	Retu Singla	Phone conference with National Officers to discuss response to Kathryn Cahan infringement letter.	0.50	1,057.00	528.50
06-28-2023	Retu Singla	Drafting and finalizing June 28, 2023 TJU letter to Kathryn Cahan regarding trademark infringement threat	1.75	1,057.00	1,849.75
06-28-2023	Seth Goldstein	legal research on trademark infringement relating to Kathryn Cahan email	1.00	1,057.00	1,057.00
06-28-2023	Seth Goldstein	Phone conference with National Officers to discuss response to Kathryn Cahan infringement letter.	0.50	1,057.00	528.50
07-05-2023	Retu Singla	Reviewed TJ Letter from Kathryn Cahan, General Counsel including case law research	0.50	1,057.00	528.50
07-05-2023	Seth Goldstein	Met with national Officers to discuss TJ July 5 letter and TJU response.	0.25	1,057.00	264.25
07-05-2023	Seth Goldstein	Reviewed and analyzed case law cited in TJ July 5, 2023 General Counsel letter	1.00	1,057.00	1,057.00
07-05-2023	Retu Singla	Met with national Officers to discuss TJ July 5 letter and TJU response.	0.25	1,057.00	264.25
07-06-2023	Retu Singla	Meeting with National Officers to discuss responding to TJ Trademark letter	1.00	1,057.00	1,057.00
07-06-2023	Seth Goldstein	Meeting with National Officers to discuss responding to TJ Trademark letter	1.00	1,057.00	1,057.00

Date	Staff Member	Description	Hours	Rate	Amount
07-11-2023	Seth Goldstein	Legal research on Trademark Trader Joe's case	2.00	1,057.00	2,114.00
07-11-2023	Retu Singla	Trademark research	3.75	1,057.00	3,963.75
07-13-2023	Retu Singla	Review Complaint and begin legal research on claims	3.25	1,057.00	3,435.25
07-13-2023	Seth Goldstein	Review and analyze Trader Joe's Complaint	1.50	1,057.00	1,585.50
07-13-2023	Retu Singla	check docket	0.25	1,057.00	264.25
07-14-2023	Seth Goldstein	Legal Research relating to July 13 Trademark infringement Complaint	1.50	1,057.00	1,585.50
07-26-2023	Seth Goldstein	Zoom conference with National officers to discuss status of the case.	1.00	1,057.00	1,057.00
07-26-2023	Retu Singla	Zoom conference with National officers to discuss status of the case.	1.00	1,057.00	1,057.00
07-27-2023	Retu Singla	following up on service of complaint with client	0.50	1,057.00	528.50
07-28-2023	Retu Singla	Phone call with Seth and client to discuss Trademark case.	1.50	1,057.00	1,585.50
07-28-2023	Seth Goldstein	Phone call with client to discuss Trademark case strategy.	1.50	1,057.00	1,585.50
07-29-2023	Retu Singla	following up on service of complaint with client	0.50	1,057.00	528.50
08-07-2023	Retu Singla	Pro Hac Vice application for California District Court	1.30	1,057.00	1,374.10
08-07-2023	Seth Goldstein	Drafted and filed application with California District Court to appear Pro Hac Vice in Trademark case	1.50	1,057.00	1,585.50
08-15-2023	Seth Goldstein	Meet and confer with Defendant's Counsel David Eberhart, Andrew Levad, Scott Pink, Sonya Mehta and Retu Singla	0.25	1,057.00	264.25
08-15-2023	Seth Goldstein	Prepare for meet and confer	0.50	1,057.00	528.50
08-15-2023	Seth Goldstein	Discuss with client about the results of the meet and confer with defendant's attorneys in Trademark case	0.25	1,057.00	264.25
08-15-2023	Retu Singla	Meet and confer with Defendant's Counsel David Eberhart, Andrew Levad, Scott Pink, Sonya Mehta and Retu Singla	0.25	1,057.00	264.25
08-15-2023	Seth Goldstein	Prep meeting for meet and confer with Seth and Sonya	0.50	1,057.00	528.50
08-15-2023	Retu Singla	Inform client about meet and confer	0.25	1,057.00	264.25
08-16-2023	Retu Singla	Drafting Motion to Dismiss	5.00	1,057.00	5,285.00

Date	Staff Member	Description	Hours	Rate	Amount
08-17-2023	Retu Singla	Drafting Motion to Dismiss.	4.00	1,057.00	4,228.00
08-17-2023	Seth Goldstein	Assist in Drafting Motion to Dismiss in Trademark case.	3.00	1,057.00	3,171.00
08-18-2023	Seth Goldstein	Legal research and draft Motion to Dismiss for trademark case.	2.50	1,057.00	2,642.50
08-18-2023	Retu Singla	Final Draft Motion to Dismiss	4.00	1,057.00	4,228.00
08-21-2023	Retu Singla	Discuss MTD with Client	0.75	1,057.00	792.75
08-21-2023	Seth Goldstein	Discuss Trademark case status with TJU	0.75	1,057.00	792.75
08-29-2023	Retu Singla	Discussion about 26f conference with Sonya, checked docket, responded to OMM request for conference	0.75	1,057.00	792.75
08-31-2023	Seth Goldstein	Review and analyze letter from Andrew Levad requesting a 26(f) conference in Trademark case.	0.25	1,057.00	264.25
09-01-2023	Retu Singla	Discussion about 26f conference with Sonya, responded to OMM 2nd request for discovery	0.50	1,057.00	528.50
09-05-2023	Seth Goldstein	Review email Andrew Levad from O'Melveny and research case law cited in the letter	0.80	1,057.00	845.60
09-11-2023	Retu Singla	email to Andrew Levad 3rd request for 26(f) discovery	0.50	1,057.00	528.50
09-28-2023	Retu Singla	discussion with client and seth on medieval times decision	0.50	1,057.00	528.50
09-28-2023	Seth Goldstein	discussion with client and seth on medieval times decision	0.50	1,057.00	528.50
09-28-2023	Retu Singla	discussion with sonya on medieval times decision	0.40	1,057.00	422.80
09-28-2023	Seth Goldstein	discussion with sonya on medieval times decision	0.40	1,057.00	422.80
10-02-2023	Seth Goldstein	Review email Eberhart letter for discovery	0.25	1,057.00	264.25
10-02-2023	Retu Singla	Review OMM email for 4th discovery request	0.25	1,057.00	264.25
10-04-2023	Retu Singla	Letter to OMM on rule 11, 26f, and medieval times decision	2.25	1,057.00	2,378.25
10-04-2023	Seth Goldstein	Drafted letter to David Eberhart, Esq. regarding discovery schedule	1.00	1,057.00	1,057.00
10-04-2023	Seth Goldstein	Drafted in file a ULP charge against Trader Joe's for retaliatory civil lawsuit against the union.	0.50	1,057.00	528.50
10-19-2023	Seth Goldstein	legal research to respond to Trader Joe's Trademark lawsuit	2.00	1,057.00	2,114.00

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Date	Staff Member	Description	Hours	Rate	Amount
10-23-2023	Seth Goldstein	Draft TJU Response to TJ Opposition to Motion to Dismiss (Trademark case)	5.00	1,057.00	5,285.00
10-24-2023	Retu Singla	Draft TJU Response to TJ Opposition to Motion to Dismiss	6.00	1,057.00	6,342.00
11-01-2023	Seth Goldstein	Phone call with Sonya Mehta regarding motion for Retu Singla to appear remotely for motion to dismiss on Trademark case.	0.12	1,057.00	126.84
11-01-2023	Retu Singla	Phone call with Sonya Mehta regarding motion for remote appearance for motion to dismiss	0.12	1,057.00	126.84
11-03-2023	Seth Goldstein	Review case law and assist Retu Singla to prepare for Trademark court hearing on Motion to Dismiss	1.00	1,057.00	1,057.00
11-03-2023	Retu Singla	Review case law and prepare for oral argument with seth	1.00	1,057.00	1,057.00
11-09-2023	Retu Singla	oral argument on MTD	0.75	1,057.00	792.75
11-09-2023	Retu Singla	oral argument on MTD prep	1.00	1,057.00	1,057.00
11-09-2023	Seth Goldstein	oral argument on MTD	0.75	1,057.00	792.75
11-11-2023	Retu Singla	Began Drafting Rule 11 motion to attach to safe harbor letter	1.00	1,057.00	1,057.00
11-11-2023	Seth Goldstein	Drafted and sent email to David Eberhart requesting a Section 7-3 meeting to discuss Rule 11 sanctions in Trademark case.	0.25	1,057.00	264.25
11-13-2023	Seth Goldstein	Legal Research on California Slap Law	2.00	1,057.00	2,114.00
11-14-2023	Seth Goldstein	Meeting with David Eberhart Counsel for Trader Joe's to discuss Rule 11 sanctions	0.10	1,057.00	105.70
11-17-2023	Retu Singla	Drafting Rule 11 motion to attach to safe harbor letter	2.00	1,057.00	2,114.00
11-27-2023	Seth Goldstein	research Rule 11 sanctions for Trader Joe's trademark case	1.50	1,057.00	1,585.50
12-01-2023	Seth Goldstein	Research Rule 11 Sanction Motion	1.50	1,057.00	1,585.50
12-11-2023	Seth Goldstein	Drafted Trader Joe's Rule 11 Sanctions Motion	1.50	1,057.00	1,585.50
12-19-2023	Retu Singla	Drafting Rule 11 motion to attach to safe harbor letter	2.00	1,057.00	2,114.00
01-03-2024	Retu Singla	Final draft for Rule 11 Safe Harbor letter with Motion	3.50	1,057.00	3,699.50
01-04-2024	Seth Goldstein	Discuss with Sonya Mehta Defendant's Safe harbor letter and Rule 11 Motion	0.50	1,057.00	528.50
01-04-2024	Seth Goldstein	Email Safe harbor letter and draft Rule 11 Sanction	0.10	1,057.00	105.70

Date	Staff Member	Description	Hours	Rate	Amount
		Motion to David Eberhart			
01-04-2024	Retu Singla	Discuss with Sonya and Seth Safe harbor letter and Rule 11 Motion	0.50	1,057.00	528.50
01-22-2024	Seth Goldstein	Drafted Declaration for attorney fees	3.00	250.00	750.00
01-23-2024	Retu Singla	Draft Declaration for Attorney Fees (Trademark case)	5.00	1,057.00	5,285.00
01-23-2024	Retu Singla	Drafting second attorneys fees meet and confer request and scheduling communications with OMM and Seth and Sonya	0.60	1,057.00	634.20
Total					106,650.83

Time Summary

Staff Member	Hours	Amount
Retu Singla	59.42	62,806.94
Seth Goldstein	43.77	43,843.89
Total		106,650.83